

CONWAY PLANNING BOARD

MINUTES

MARCH 28, 2024

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CONWAY PLANNING BOARD

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MARCH 28, 2024

A meeting of the Conway Planning Board was held on Thursday, March 28, 2024, beginning at 6:03 p.m. at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Vice Chair; Ailie Byers; Selectmen's Representative, Steven Porter; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Alternate, Ted Phillips; Town Planner, Ryan O'Connor; and Assistant Planner, Holly Whitelaw.

APPOINTMENT OF ALTERNATE MEMBERS

Chair Colbath appointed Mr. Phillips as a voting member.

WORK SESSION

Master Plan Public Hearing:

Alec Belenz of SE Group was in attendance.

Mr. O'Connor explained this is the first public hearing of the adoption process of the updated Master Plan. The purpose is to gather feedback from the Board and have a discussion with the public to see if there are any amendments needed. Any necessary edits will be made and a revised draft brought to public hearing again before the Plan is adopted, hopefully on April 25, 2024. He explained what a Master Plan is and is not, and the process by which this update was created. He reviewed the timeline of the process. He noted the Master Plan is a Planning Board document, so the Board has the authority to approve it and move it forward.

The Master Plan vision statement was updated during this process. Action areas and associated focus projects were established. He reviewed the steps involved in putting the Plan into action. He invited the public to contact him with any questions or comments. He thanked the Master Plan Steering Committee and the public for providing feedback. He also thanked the SE Group for their efforts, and Tuckerman's and Cranmore for hosting the outreach events.

The Board shared their comments about the Plan and how it will help the Town move forward. They thanked everyone involved in the process for their efforts.

Chair Colbath opened public comment at 6:24 p.m.

Amy Snow thanked the Board and community members who were involved in the process. She asked how this Plan will ensure that future Boards follow it. Chair Colbath said the Board has already started taking steps in recodifying the zoning. Mr. Porter said there are no guarantees; the public will have to keep their elected officials accountable. Ms. Byers added that residents need to be participatory in the future of the town.

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John Colbath thanked everyone for the work done on the Plan. He commended the Board on their transparency during this process. He said once the Master Plan is in place, the citizens own it and need to carry it out through the election process. He noted recent commercial “big box” projects were developed with plans presented to the Planning Board, and met the standards and conditions put upon them. He noted there is a fine line between business development and municipal regulations. He said the charrettes conducted at the Cranmore were extremely well done and asked if any major changes came from them. Alec Belenz said the majority of feedback at that event was supportive of the direction the Plan was taking on major issues. He said they addressed concerns expressed during the process, but did not feel they missed the mark on any issues.

Amy Snow asked if the version on the website is the most recent one and was told it is.

Michael Mitchrone commended the Board on their transparency and said it is a good plan that fits what the average resident wants. He asked realistically how quickly and often residents can see drafts of zoning to provide input. The Board noted that housing, managing commercial development, and local source water protection are priorities. Mr. O’Connor offered to share the schedule the Planning Board created for the coming year, noting there will be monthly work sessions and said the Board is open to public input. Chair Colbath said subcommittees will be formed to address these issues and residents are welcome to participate. Ms. Byers explained zoning changes can only be made on the warrant; the Board has more flexibility when it comes to site plan review. Mr. Porter clarified the Board will work on both concurrently.

Susan Fox said she was impressed by the exhibit at the Cranmore. She asked if the Plan addresses the lack of restrooms in North Conway. Mr. Porter said this is a different issue; he is having conversations on this and it is a matter of timing. Ms. Fox said she sees a trend toward short-term rentals (STRs) being opposed. She has unofficial STRs in her area and they are damaging her neighborhood. She asked if the height of the new hotel in Intervale was reduced and the Board said a floor was eliminated. She apologized for getting involved so late in the process.

Julie Bufford said many of the zoning articles involve changes to definitions. She asked if the definitions could be grouped together. Ms. Byers explained if they are all placed on one Article and one is voted down, all of the definitions would fail. Ms. Bufford asked if Warrant Articles could be more easily found on the website. Mr. Porter said a more user-friendly website is in the works. Ms. Whitelaw pointed out where they can be found on the home page.

Wryan Fiels said there are errors from the February draft that are still in the current draft. Chair Colbath explained the committee discussed the feedback in regard to what the general feeling was in the community. Mr. Fiels expressed his aggravation with the condition the Plan is in. The Board noted this input would have been welcome a year earlier and is coming at a late date in the process. Mr. O’Connor suggested the Committee review Mr. Fiels’ suggested changes outside of this hearing. Mr. Fiels said strategies should be specific to the challenge that is outlined in a section, and the challenges should be specific to the topic it is under. A specific example was cited and discussed. Ms. Byers pointed out nothing the community does is siloed, and all aspects are interconnected. She said solutions cannot be granular, as this is a ten-year plan. It is a strategic plan to provide direction, but cannot be specific.

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Mr. Fiels expressed concern about regulations around displays of art and that it is a First Amendment issue. Mr. O'Connor stressed the ordinance states that content will not be regulated.

Mark Hounsell expressed frustration over individuals who find fault in something yet offer nothing constructive. He said a lot of good things have come over the last year from the Planning Board. He noted it is easy to be critical of the work of others. He complimented the staff and Planning Board. He said the Master Plan can serve as guardrails. He said the vision statement states that the Mount Washington Valley is a tourist destination, and said it is difficult for families to thrive in such a location. He noted the importance of schools and housing when it comes to families. He said the expansion of healthcare would work well in the Valley economically. He said the Plan is a great tool to move the Town forward and complimented the SE Group for their work on it.

Chair Colbath closed public comment at 7:24 p.m. He asked Mr. Fiels to email his comments to Mr. O'Connor for consideration by the Committee.

Mr. Porter made a motion, seconded by Mr. Barbin, to move the draft Master Plan to a public hearing on April 25, 2024, following a review of comments received with the Master Plan Steering Committee. Motion carried unanimously.

Innovative Land Use Controls discussion commercial development:

Mr. O'Connor discussed the attached memo with the Board regarding developing regulations to manage future commercial development through scaling. He reviewed the criteria whereby a development would require a Conditional Use Permit (CUP).

The Board discussed the proposed criteria. Mr. O'Connor noted they are not intended to limit the amount of density on a property, but create different criteria for what the different uses could be. He said the purpose is to encourage more long-term housing, although he does not want to limit the creation of any type of housing. Exemptions from these criteria were also discussed, as were the criteria for a CUP to be granted.

Ms. Grant suggested adding a section that would allow the substitution of additional requirements for residential units onsite. Mr. O'Connor noted that mixed-use regulations would be required. The Board discussed incentives to redevelop existing buildings instead of constructing new ones.

Chair Colbath opened public comment; there was none. Chair Colbath closed public comment.

Local Source Water Protection discussion:

Mr. O'Connor explained a grant was received to examine source water and drinking water protection. A committee is needed that will include a member of the Conservation Commission, two members of the Planning Board, and a community member; Jason Gagnon has also expressed interest. Mr. Colbath and Mr. Barbin agreed to be on the committee; Mr. Colbath will serve as Chair. The first step will be to issue an RFP for consulting firms.

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Scott Pantages and Monica Magalhaes – Lot Merger: This is a request to merge PID 299-3 & 4 to one lot of record on Acadia Way, Conway (PID 299-3 & 4). **Ms. Byers made a motion, seconded by Mr. Porter, to approve the lot merger for Scott Pantages and Monica Magalhaes. Motion carried unanimously.**

Kathryn Wang – Lot Merger: This is a request to merge PID 277-123, 124 & 125 to one lot of record on Pequawket Drive, Conway (PID 277-123, 124 & 125). **Ms. Byers made a motion, seconded by Mr. Barbin, to approve the lot merger for Kathryn Wang. Motion carried unanimously.**

Leena Laitinen – Lot Merger: This is a request to merge PID 276-218 & 219 to one lot of record on Poole’s Circle and Irma Lane, Conway (PID 276-218 & 219). **Mr. Porter made a motion, seconded by Mr. Colbath, to approve the lot merger for Leena Laitinen. Motion carried unanimously.**

Selectmen’s Report:

Mr. Porter read a letter regarding the Invest New Hampshire municipal per unit grant to be applied for by the Town of Conway on behalf of Continuum of North Conway LLC. The grant award is anticipated to be used to update the Town of Conway zoning ordinance to promote affordable housing. The Select Board agreed unanimously to support this. Chair Colbath thanked the Select Board and Mr. O’Connor for their efforts securing these grants.

HOP Grant Update:

Ms. Byers reported they had their first meeting, where the findings from the Master Plan were reviewed and discussed. They agreed that educating and engaging the community are important.

Issues for Consideration:

None

Media Questions:

There was no members of the media present.

Meeting was adjourned at 8:08 p.m.

Respectfully submitted,
Beth Hanggeli

MEMO

To: Planning Board

From: Planning Staff

Date: March 22, 2024

Re: Commercial Development Regulations

Following-up on our discussion regarding Innovative Land Use Controls, the attached language offers a starting point for developing regulations to manage future commercial development. The proposed regulations below attempt to achieve the following:

- Limit “by-right” square footage of commercial development. Maximum square footage of proposals would be limited based on zone.
 - Applicants would be permitted to seek approval for additional commercial square footage if certain criteria is met. Review of the criteria would be by Conditional Use Permit (CUP), which the Planning Board would review;
 - The conditions of a CUP are voluntary, meaning the developer voluntarily abides by the requirements as justification to receive a bonus in allowable floor area;
- Promote long-term housing;
- Encourage additional greenspace based on structure square footage;
- Encourage additional setbacks from residential uses and the public right-of-way based on the scale of a structure.

These regulations are only a starting point for managing development. Several examples of existing sites are attached to show how these regulations would have affected those developments. If the Planning Board would like to pursue this strategy, we may start by considering what the “ideal” commercial site should look like, based on input from the Master Plan.

The goal here is to scale greenspace and setbacks based on the size of development. Other considerations may be clear architecture standards, the possibility of shared parking models, or stormwater controls as additional commercial management strategies.

Purpose:

These regulations are enacted to provide consideration of commercial developments which may present a greater impact to the community. The anticipated impact of such developments on the Town’s natural and physical character, services, and infrastructure must be mitigated. The Town of Conway Master Plan supports well managed economic growth, the creation of attainable housing, and the stewardship of natural resources.

Applicability:

A Conditional Use Permit (CUP) is required for the approval of all development involving one or more of the below criteria within a single parcel of land:

	Industrial Districts	Highway Commercial District	Village Commercial Districts	Village Residential Districts	Recreational Resort District
Dwelling Units	Creation of 25 or more units not designated for long-term residency	Creation of 25 or more units not designated for long-term residency	Creation of 10 or more units not designated for long-term residency	Creation of 5 or more units not designated for long-term residency	N/A
Non-Residential Development	Creation of 30,000 SqFt of gross floor area	Creation of 12,000 SqFt of gross floor area	Creation of 8,000 SqFt of gross floor area	Creation of 6,000 SqFt of gross floor area	Creation of 30,000 SqFt of gross floor area

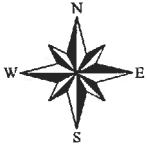
Exemptions:

- A. Rehabilitation of a structure or a change in use which does not expand existing floor area or structural capacity of an existing development;
- B. Residential developments restricted for long-term residency;
- C. Reserved.

Review Criteria:

The Planning Board may grant a Conditional Use Permit if a proposal adequately addresses the following criteria in addition to those articulated elsewhere in this chapter and within applicable regulations.

- A. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;
- B. The proposal is in substantial conformance with the Conway Zoning Ordinance, Master Plan, and will not adversely impact community character;
- C. Prior to approval of a CUP, the proposal is required to appear at a regular Planning Board meeting to discuss the application in a conceptual capacity. The review shall not bind the applicant or the Board to any formal decision and will be reviewed with the consistency of the Master Plan;
- D. Proposals with gross floor area which exceeds square footage permitted by right shall be subject to an increase in greenspace of one (1) percent for every three-thousand (3,000) square feet of additional gross floor area. Greenspace is not required to exceed fifty (50) percent of the total lot area;
- E. Proposals with gross floor area which exceeds square footage permitted by right shall be subject to increased setbacks from any public right-of-way or residential use at a rate of one (1) foot per two-thousand (2,000) square feet of additional gross floor area. This condition may be waived by the Planning Board if the development proposes other measures which sufficiently limit visual, noise, or other impacts associated with the proposed development;
- F. Gross floor area which exceeds square footage permitted by right shall submit one Development Transfer Credit for each additional square foot of gross floor area as defined within Chapter XXX.



L.L. Bean

Town of Conway, NH

1 inch = 68 Feet

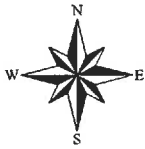


www.cai-tech.com

March 22, 2024



The property data available on this site is updated periodically. The Town of Conway makes no warranties with regard to its accuracy or completeness and assumes no liability associated with the use of this data.



Settlers

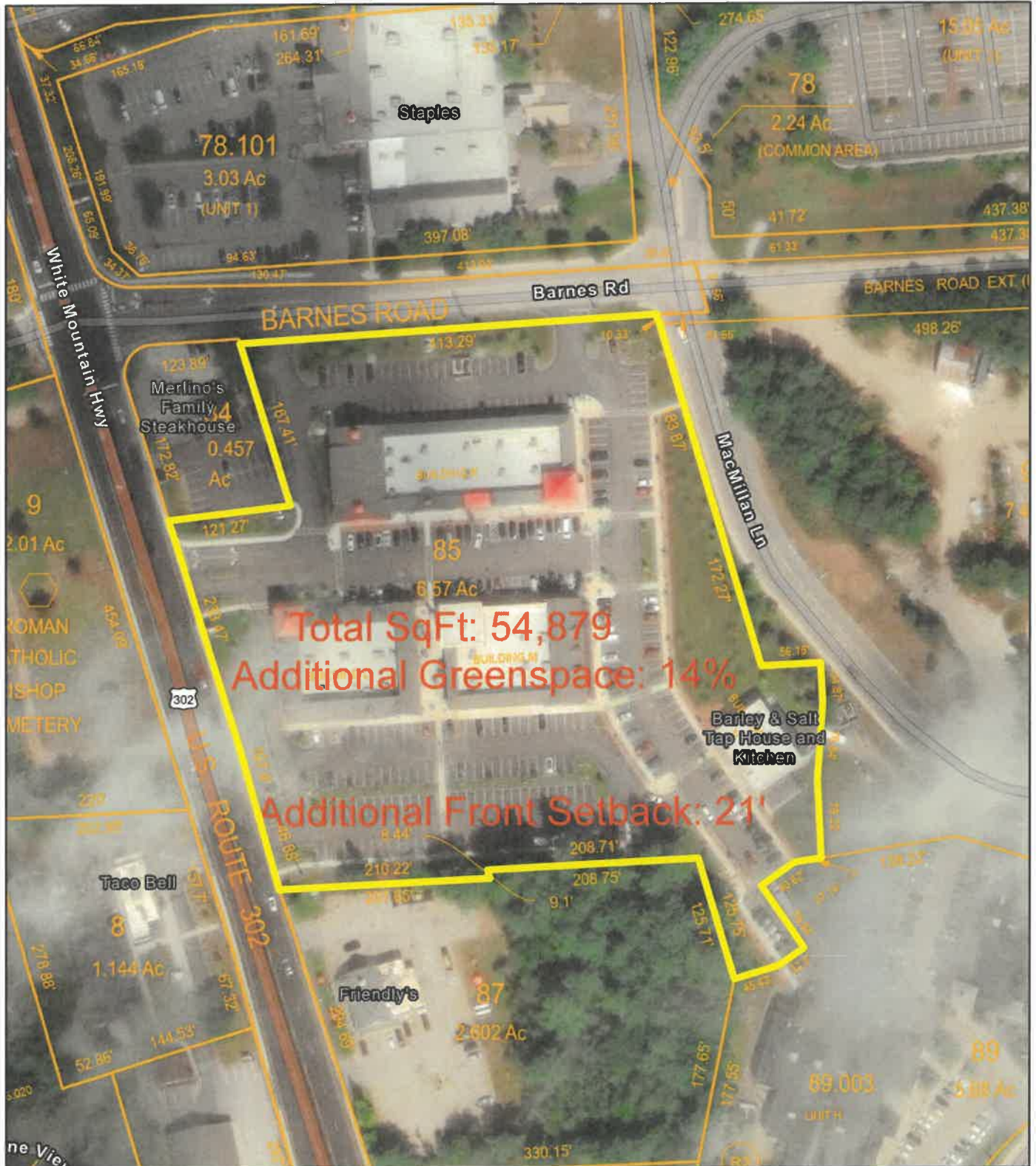
Town of Conway, NH

1 inch = 136 Feet



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Walmart

Town of Conway, NH

1 inch = 136 Feet



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March 22, 2024



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